

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

KENNETH W. HOPKINS,

Plaintiff,

v.

CITY OF WILMINGTON,

Defendant.

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C.A. No. 08-cv-302 JJF

**DEFENDANT CITY OF WILMINGTON'S
MOTION TO DISMISS PURSUANT TO F.R.C.P. 12(b)(6)**

Defendant, City of Wilmington, by and through its undersigned counsel, hereby moves pursuant to Federal Rule of Civil Procedure 12(b)(6) for an Order dismissing the Complaint in its entirety. The grounds for the motion are set forth in Defendant's opening brief filed contemporaneously herewith.

DATED: August 11, 2008

CITY OF WILMINGTON

/s/ Gary W. Lipkin

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